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and Nominal Defendant Coherent, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

In re COHERENT, INC. SHAREHOLDER
DERIVATIVE ACTION

Lead Case No. C-07-0955-JF

DERIVATIVE ACTION

This Document Related To:

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING CMC**

ALL ACTIONS.

1 WHEREAS, on January 5, 2009, the Court approved the parties' Stipulation continuing
2 the date for defendants to file their reply briefs in support of their motions to dismiss; and

3 WHEREAS, in its January 5, 2009 Order the Court rescheduled the Case Management
4 Conference in this matter to January 30, 2009; and

5 WHEREAS, the parties remain engaged in good faith settlement discussions with the
6 assistance of the Honorable Howard B. Wiener (Ret.); and

7 WHEREAS, the lead partners who are counsel of record for the Coherent, Inc. Special
8 Litigation Committee ("SLC") in this matter have a previously scheduled annual partners meeting
9 in the New York area on January 30, 2009; and

10 WHEREAS, because of various scheduling conflicts among counsel, the next Friday for
11 which counsel for all parties is available is March 6, 2009; and

12 WHEREAS, counsel is mindful of the Court's calendar and respectfully requests that the
13 Case Management Conference be rescheduled to March 13, 2009; and

14 WHEREAS, counsel for all other parties have agreed to a continuance of the Case
15 Management Conference, the agreed upon schedule is not for the purpose of delay, and will not
16 cause prejudice to any party;

17 THEREFORE, IT IS STIPULATED AND AGREED by plaintiffs, defendants and the
18 SLC, through their undersigned counsel, subject to approval of the Court, that the Case
19 Management Conference currently scheduled for January 30, 2009 should be rescheduled to
20 March 13, 2009, or such other subsequent date as is convenient for the Court.

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1 IT IS SO STIPULATED.

2 Dated: January 12, 2009

/s/ Kathleen A. Herkenhoff

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18 Co-Lead Counsel for Plaintiffs

1 Dated: January 12, 2009

/s/ Michael C. Tu

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19 Dated: January 12, 2009

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19 Dated: January 12, 2009

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18 Gelber and James L. Hobart

12 I, Michael C. Tu, am the ECF user whose ID and password are being used to file this
13 Stipulation and [Proposed] Order Extending Time to Respond to Complaint. In compliance with
14 General Order 45(X), I hereby attest that the other signatories have concurred in this filing.

14 /s/ Michael C. Tu

15 Michael C. Tu

16 **ORDER**

17 Pursuant to the parties' stipulation, IT IS SO ORDERED. The Case Management
18 Conference is rescheduled to March 13, 2009 at 10:30 a.m.

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20 Dated: 1/14/09

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22 HON. JEREMY FOGEL
23 UNITED STATES DISTRICT COURT JUDGE
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